Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Review of the Emergency Alert System	)	**EB Docket No. 04-296**

To: The Secretary, for forwarding to Chief, Enforcement Bureau

COMMENTS OF MIDLAND RADIO CORPORATION

1. Midland Radio Corporation ("Midland") hereby submits these comments in response to the Commission's Notice of Proposed Rule Making ("NPRM") in the above-captioned proceeding, FCC 04-189, released August 12, 2004. The Commission is interested in determining whether the Emergency Alert System ("EAS") "...in its present form is the most effective mechanism for warning the American public of an emergency and, if not, on how EAS can be improved."[1]

2. Midland, with its headquarters in North Kansas City, Missouri,[2] holds equipment authorizations and markets consumer and land mobile communications devices, including transceivers and receivers that incorporate emergency alert functions based on the National Oceanic & Atmospheric Administration ("NOAA") weather information distribution system, currently known as NOAA Weather Radio, which is operated around the clock every day. Midland is not a broadcaster and it does not purport to be an expert on what enhancements would improve the effectiveness of the EAS. However, Midland submits that there is no need nor

[1] NPRM at para. 1.

[2] See http://www.midlandradio.com

reason for the Commission to impose its regulatory authority to force EAS to operate as an "automatic alert system," because NOAA's National Weather Service ("NWS") system is already capable of providing that function using established and proven technology.

3. In today's era of increased need for homeland security, there is obvious merit in being able to reach as many members of the public as possible with emergency messages. Because there is no single communication channel that all citizens have open at all times, security officials face the problem of how to reach the maximum number of citizens with emergency alert information.

4. The NWS system has already implemented emergency alert functions and it has an operational agreement in place with the Department of Homeland Security.[3] NWS currently originates some 80 percent of all EAS alerts,[4] and NWS signals reach an estimated 97 percent of the United States population through over 900 transmitters, with more transmitters planned.[5] Consumer-grade "weather radio" receivers are becoming increasingly popular and a self-activating feature is readily available to consumers who want their devices to turn on automatically in case of an emergency alert. Weather radios are available in small sizes and are often battery-operated, making them ideal for carrying around in an emergency. Specific Area Message Encoding ("SAME") technology is available to facilitate directing emergency

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[3] NPRM at n. 25.

[4] NPRM at para. 14. Midland has learned of a recent study that calculated as much as 97-98 percent of all EAS alerts in a twelve-month period have been originated by NOAA. This may be attributed to the increasing number of local emergency alerts (including Amber Alerts) that are now being issued through the local NWS forecast offices under agreements with local emergency management authorities.

[5] See http://www.nws.noaa.gov/nwr/ and http://www.nws.noaa.gov/pa/nwr/faq_nwr.htm (visited on Oct. 28, 2004).

information to only the specific geographic areas where it is relevant.[6] Thus, the NWS system is capable today of distributing targeted emergency information, even to receivers that are not turned on at the time of an alert, including to the disabled and elderly through available auxiliary devices, such as strobe lights and pillow vibrators.

5. In contrast, it is more difficult to reach the public with EAS messages, because despite the ubiquity of receivers, the number of people watching television or listening to the radio at any particular moment is not large.[7] Radios built into sophisticated audio equipment, and most television receivers, depend on AC power to function and they will not receive messages in case of a power failure.[8] The diversity of receivers and the number of different stations that people watch and to which they listen makes the task of reaching all of them at one time more complicated than reaching them through the NWS system.

6. Of course, not everyone has a weather radio. Nevertheless, the established system for disseminating emergency messages through NWS, the well developed state of emergency self-activation technology, the convenience of the size and power source of weather radios, and the ease of building NWS alert technology into other kinds of receivers, all suggest that a more rapid improvement in emergency message distribution will be achieved if the focus is on the NWS system with EAS tied into NWS. If the Federal government does more to educate and inform the

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[6] NPRM at n. 25.

[7] NPRM at para. 31.

[8] A television receiver also uses more power than a typical weather radio, even if the weather radio is AC-powered, thus perhaps using more energy than a weather radio in standby mode. While there are now many battery-powered radio receivers, many of them feature a tiny size that is an impediment to adding automatic alert technology. Moreover, we are still a long way away from battery-operated receivers for the new digital television and radio transmission systems to which the Commission is urging the broadcasting industry to migrate.

public about the NWS system, Midland believes the Commission's goals in this proceeding will be met. NWS alerts are available in more than just weather radios as the feature is currently available in a number of other consumer products, including AM/FM radios, cellular phones, CB, FRS, and GMRS radios, and even some television receivers. EAS may be integrated with NWS, improving the links that now exist, so that the emergency message distribution and the expanded penetration of emergency messages will provide far greater coverage as well as beneficial redundancy in delivery systems.

7. It should be noted that the Consumer Electronics Association ("CEA"), through its Public Alert Technology Alliance,[9] has established the Public Alert Certification and Logo Program, which provides for certification of receivers under a new receiver performance specification standard, CEA-2009. A "Public Alert" device, the primary function of which can be any kind of reception (not only weather radio), receives the NWS-generated signals and includes all of the most important available features, including mandatory backup battery power for most AC powered units and automatic self-activation when an emergency signal is received.

8. The important point here is that the distribution of emergency information can be enhanced using technology that is currently deployed, making it unnecessary, if not outright undesirable, for the Commission to use its regulatory authority to force EAS to add self-activating technology. Commensurate with the existing policies of the Commission, the marketplace is already responding well to the availability of NWS alerts, with increasing integration of NWS reception technology into commonly used consumer equipment and the establishment of the Public Alert program. To the extent that the public wishes to receive

[9] See http://www.ce.org/publicalert (visited on Oct. 28, 2004).

emergency information on an automated basis directly from the broadcast media, they will demand appropriate equipment, and the manufacturing industry will respond. For example, there are already AM/FM radios and television sets on the market that self-activate for emergency broadcasts and meet the Public Alert standard, demonstrating that these private forces are already in play, and that there is no need for regulatory intervention to force the substantial redesign of EAS technology.

9. Accordingly, Midland urges the Commission not to compel the introduction of automatic EAS alert in broadcast receivers and to allow the combination of EAS and the NWS system, with improved national and local linkage, to provide effective and redundant emergency message distribution.

Respectfully submitted,

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[10] Admitted in Maryland. Not admitted in D.C.